

JULIAN HAMMOND (SBN 268489)
jhammond@hammondlawpc.com
ARI CHERNIAK (SBN 290071)
acherniak@hammondlawpc.com
POLINA BRANDLER (SBN 269086)
pbrandler@hammondlawpc.com
HAMMONDLAW, P.C.
1201 Pacific Ave, 6th Floor
Tacoma, WA 98402
(310) 601-6766 (Tel.)
(310) 295-2385 (Fax)

FRANK S. HEDIN (SBN 291289)
fhedin@hedinllp.com
HEDIN LLP
1395 Brickell Ave, Suite 610
Miami, Florida 33131
(305) 357-2107 (Office)
(305) 200-8801 (Fax)

Counsel for Plaintiffs and the Putative Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JONATHAN HOANG TO; JEFFRY HEISE;
and **JOSEPH MULL**, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

**DIRECTTOU, LLC; and ALLIANCE
ENTERTAINMENT, LLC**, Delaware Limited
Liability Companies,

Defendants.

Case No. 3:24-CV-06447-WHO

**DECLARATION OF JULIAN
HAMMOND IN SUPPORT OF
PLAINTIFFS' MOTION TO APPOINT
HAMMONDLAW, P.C. AND HEDIN
LLP AS INTERIM CO-LEAD CLASS
COUNSEL**

Judge: Hon. William H. Orrick
Courtroom: 2 – 17th Floor
Hearing Date: April 9, 2025
Hearing Time: 2:00 p.m.

1 I, Julian Hammond, hereby declare as follows:

2 1. I am a member in good standing of the bar of this Court, an active member of the State
3 Bar of California, principal of my own law firm HammondLaw, P.C. and counsel of record for the
4 plaintiffs in the above-captioned action. I have personal knowledge of the facts set forth herein and, if
5 called as a witness, would testify competently thereto.

6 2. I make this declaration in support of my firm's Application for Appointment as Interim
7 Co-Lead Class Counsel.

8 3. Prior to filing the lawsuit, my firm conducted extensive and thorough investigation into
9 the factual and legal basis of this lawsuit. Specifically, the attorneys with my firm spent many hours
10 thoroughly researching and considering the relevant facts and law. We analyzed Defendant's websites
11 (www.deepdiscount.com, www.ccvideo.com, www.moviesunlimited.com) for presence of tracking
12 tools, reviewed the steps consumers were required to take to sign up for an account with Defendant
13 and/or make purchases, as well as other information available on Defendant's websites. We also
14 reviewed information provided by Plaintiff Hoang To about his purchases and reviewed changes to
15 Defendant's website over time including changes to Defendant's Terms of Use and Privacy Policy and
16 changes to how the Facebook/Meta Pixel was configured throughout the relevant period, by reviewing
17 historic versions of Defendant's website available on the internet archive known as the "Wayback
Machine." We analyzed dozens of orders on motions to dismiss and summary judgment motions in
VPPA cases both in and outside this district.

18 4. As part of our analysis of Defendant's website, we prepared screenshots using the "Meta
19 Pixel Helper" that showed the sharing of Defendant's customer's video DVD and Blu-ray purchase
20 data with Meta. We subsequently retained an expert to confirm their findings concerning the presence
21 of tracking tools on Defendant's website and the configuration of the tracking tools, and provide their
22 findings and analysis to us. Our expert also prepared HAR files that evidenced the sharing of
Defendant's customers' DVD and Blu-ray purchase data with Meta.

23 5. We also researched Defendants' potential defenses to any VPPA claim, including those
24 stemming from the terms of service and privacy policies accessible on their websites (including whether

1 any customers assented to those terms or policies in the course of making purchases); and prepared
2 three detailed complaints.

3 6. Following the initiation of the litigation, we drafted a detailed motion for preliminary
4 approval, and a detailed opposition to the motion to dismiss, stay, or transfer, filed by plaintiffs in *Feller*
5 *v. Alliance Entertainment, LLC*, No. 24-cv-61444-RAR (S.D. Fla.). After the Court denied those
6 motions, we reached an agreement to jointly prosecute this action with Hedin Law and filed a
consolidated Third Amended Complaint.

7 7. We also actively engaged in discussions with Defendants' counsel in an effort to obtain
8 discovery necessary to resume the parties' settlement negotiations. During the meet and confer process
9 it became apparent that additional discovery, including third party discovery, was needed in order to
10 properly evaluate the non-Meta pixel claims. However, the parties were unable to reach agreement on
11 additional discovery, so we filed a motion on January 17, 2024, to open limited discovery.

12 8. Discovery in this matter will be complex, nuanced, and require substantial specialized
13 knowledge and experience to perform effectively and efficiently. My firm's experience prosecuting
14 prior similar matters (discussed further below), will enable us to effectively build and prosecute this
case on behalf of the Classes, including in discovery and related motion practice.

15 9. Since 2010, my firm has settled 111 class actions and recovered over \$140 million for
16 injured consumers and employees. Of these cases, 57 were litigated by my firm as sole class counsel,
17 and 54 were litigated with co-counsel. Included are: a \$23 million settlement reached on behalf of
18 approximately 10.6 million consumers whose personal data was allegedly captured and shared by an
19 online tax preparation company, *Smith-Washington, et al. v. TaxAct, Inc.*, Case No. 23-cv-00830-VC
20 (N.D. Cal. December 29, 2024) (objectors' appeal pending); and a \$16 million settlement reach on
21 behalf of nearly 4 million consumers whose Apple In App subscriptions automatically renewed without
22 required consent in *Siciliano et al. v. Apple*, Case No. 1-13-cv-257676 (Cal. Super. Ct., Santa Clara
County, April 21, 2017).

23 10. Additionally, my firm has been appointed co-lead counsel in five *contested* class actions
24 including two with one of the most successful plaintiffs' public interest class action law firms in the
country, Goldstein Borgen Dardarian & Ho, in *Uzair v. Google*, Case No. 18CV328915 (Cal. Super.

1 Ct., Santa Clara County July 2, 2024) (order certifying HammondLaw as co-class counsel for millions
 2 of consumers with litigation ongoing) and *Siciliano et al. v. Apple*, Case No. 1-13-cv-257676 (Cal.
 3 Super. Ct., Santa Clara County April 21, 2017) (order certifying as co-class counsel for approximately
 4 4 million consumers which ultimately settled for \$16 million).

5 11. My firm was appointed to the Executive Committee in a consumer privacy class action
 6 against Ashley Madison brought on behalf of 37 million customers whose data was hacked (*In re Ashley*
 7 *Madison Data Breach Litigation*, MDL No. 2669 (E.D. Mo. April 6, 2016)) and which resulted in an
 8 \$11.2 million class settlement; and a former HammondLaw partner (while employed with the firm)
 9 was recently appointed as Co-Lead Counsel in a consumer privacy class action against BetterHelp, Inc.,
 10 on behalf of consumers whose personal data was allegedly captured and shared by an online mental
 11 health provider (*In Re Betterhelp, Inc. Data Disclosure Cases*, Case No. 3:23-cv-01033-RS (N.D. Cal.
 12 July 24, 2024)).

13 12. My firm has strong and cordial working relationship with Hedin Law, and is co-
 14 counseling with Hedin Law in a similar VPPA class action pending in the Central District of California,
 15 *Archer v NBCUniversal Media*, Case No. 2:24-cv-10744 (December 13, 2024).

16 13. My firm also regularly co-counsels with other leading plaintiff class action firms
 17 including Cohen Milstein *In re PayPal Honey Browser Extension Litigation*, Case No. 24-09470 (N.D.
 18 Cal. December 29, 2024) and *In re: Capital One Financial Corporation Affiliate Marketing Litigation*,
 19 Case No. 1:25-cv-00023 (ED VA, January 6, 2025; DiCello Levitt in *Doe, et al. v. Amgen, Inc.*, Case
 20 No. 2:23-cv-07448 (C.D. Cal. July 28, 2023); Susman Godfrey in *Nitsch v. DreamWorks Animation*
 21 *SKG Inc.*, Case No. 14-CV-04062, (N.D. Cal. September 8, 2014) and *In re Accellion, Inc. Data Breach*
 22 *Litigation*, Case No. 5:21-cv-01155 (N.D. Cal. February 17, 2021); and Lieff Cabraser Heimann &
 23 Bernstein, LLP and Goldstein Borgen Dardarian & Ho *In re California Bail Bond Antitrust Litigation*,
 24 Case No. 4:19-cv-00717-JST (N.D. Cal. February 18, 2019).

14. Through its significant experience prosecuting complex class actions, my firm has also
 developed relationships with industry experts and settlement administration experts.

15. **Julian Hammond:** I have twenty plus years of experience in commercial and complex
 class litigation. Having been a Barrister in Australia, representing GlaxoSmithKline in the then-largest

1 commercial litigation in Australia's history, I then transitioned his practice to California in 2010, and
2 have since become a leading California class action attorney. As stated above, in the last 15 years, my
3 firm has acted as lead or co-lead counsel in 111 class actions and have recovered over \$140 million for
4 employees and consumers throughout the country. I recently acted as first-chair trial counsel in *Gola*
5 *v. University of San Francisco*, Case No. CGC-18-565018 (Cal. Sup. Ct., San Francisco County March
6 3, 2021), in which I won a \$2.1 judgment on behalf of approximately 1,600 adjunct instructors, and an
7 additional \$1.3 million in fees and costs. I then successfully defended both rulings which were appealed
up to the California Supreme Court.

8 16. I earned my Bachelor's degree from the University of New South Wales, and J.D.,
9 *summa cum laude*, from the University of Technology. I also received an LLM from New York
10 University School of Law in 2001.

11 17. **Polina Brandler** has over 13 years of complex class action litigation experience, in
12 addition to 2 years of clerkship experience. Ms. Brandler has litigated over 90 class actions, and has
13 worked on every stage of litigation, from expert discovery to depositions, through to mandatory
14 settlement conferences and mediations, and successfully second chaired the above-referenced class
15 action against the University of San Francisco. As a first-generation American from the former Soviet
16 Union, Ms. Brandler not only adds to the diversity of HammondLaw, but adds formidable firepower to
the team.

17 18. Ms. Brandler received her Bachelor's degree, *cum laude*, in 2005 from Macaulay
18 Honors College at the City University of New York *cum laude*, and her J.D. from the Benjamin N.
19 Cardozo School of Law in 2009. Ms. Brandler is a first-generation immigrant from the former Soviet
Union.

20 19. **Ari Cherniak** has been with HammondLaw since 2012 and has extensive class action
21 litigation experience. Mr. Cherniak's assists in managing all aspects of the class action litigation at
22 HammondLaw, ensuring the smooth operation of the cases from inception through to final judgment.
23 Mr. Cherniak has been appointed along with other members of HammondLaw as class counsel in
24 dozens of class actions since 2012.

1 20. Mr. Cherniak received his Bachelor's degree from Towson University in 2007, and his
2 J.D. from Tulane University Law School in 2011.

3 21. My firm will advance all the funds necessary for litigation and is not reliant on outside
4 resources for financing. Virtually all of my firm's cases are contingent which necessitate large financial
5 outlays that aren't recovered for many years. Indeed, in *Gola v. University of San Francisco, supra*,
6 HammondLaw expended over \$1,341,194 in fees, and over \$21,000 in costs, litigating the case to trial,
7 none of which were paid until the judgment was successfully upheld on appeal nearly five years after
8 the case was filed.

9 22. My firm has robust timekeeping policies to ensure timely and detailed records of all
10 billable time recorded in 1/10 of an hour increments. Time must be contemporaneously tracked by
11 attorneys at each firm in time-keeping software. Time descriptions must be sufficiently detailed to
12 enable anyone reviewing the entries to identify the specific activity performed, the time spent and its
13 purpose, and its relationship to the matter. This system allows for transparency and easy review to
14 ensure the case is being litigated without duplication or wasted effort

15 23. A copy of HammondLaw's firm resume is attached as **Exhibit 1**.

16 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
17 true and correct. Executed on March 3, 2025.

18
19 By: s/ Julian Hammond
20 Julian Hammond
21
22
23
24